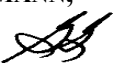




# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>05-07-13</b>	<b>AGENDA REQUEST NO:</b>	<b>III-G</b>
<b>INITIATED BY:</b>	<b>LINDA DRAPP, ADMINISTRATIVE SPECIALIST</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>CITY SECRETARY</b>
<b>PRESENTED BY:</b>	<b>GLENDA GUNDERMANN, CITY SECRETARY</b>	<b>DIRECTOR:</b>	<b>GLENDA GUNDERMANN, CITY SECRETARY</b> 
		<b>ADDITIONAL DIRECTOR (S):</b>	<b>N/A</b>
<b>SUBJECT / PROCEEDING:</b>	<b>MINUTES CITY COUNCIL MEETING APRIL 16, 2013 APPROVE MINUTES APRIL 16, 2013</b>		
<b>EXHIBITS:</b>	<b>MINUTES</b>		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	<b>N/A</b>	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
<b>PURCHASING:</b>	<b>N/A</b>	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET:</b>	<b>N/A</b>	<b>CITY MANAGER:</b>	<b>ALLEN BOGARD</b>
<b>BUDGET</b>			
<b>EXPENDITURE REQUIRED: \$</b>		<b>N/A</b>	
<b>CURRENT BUDGET: \$</b>		<b>N/A</b>	
<b>ADDITIONAL FUNDING: \$</b>		<b>N/A</b>	
<b>RECOMMENDED ACTION</b>			
Approve the minutes of the City Council meeting April 16, 2013. .			

## EXHIBITS

STATE OF TEXAS §  
COUNTY OF FORT BEND §  
CITY OF SUGAR LAND §

CITY OF SUGAR LAND  
CITY COUNCIL REGULAR MEETING  
TUESDAY, APRIL 16, 2013

### REGULAR MEETING

The City Council of the City of Sugar Land convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Tuesday, April 16, 2013 at 5:30 o'clock P.M. and the roll was called of the members; to wit:

James A. Thompson, Mayor  
Himesh Gandhi, Council Member at Large, Position One  
Joe R. Zimmerman, Council Member at Large, Position Two  
Donald L. Smithers, Council Member District One  
Bridget R. Yeung, Council Member District Two  
Amy L. Mitchell, Council Member District Three  
Harish Jajoo, Council Member District Four

### QUORUM PRESENT

All of said members were present with the exception of Council Member Mitchell and Council Member Zimmerman who were absent.

Also present were:  
Allen Bogard, City Manager  
Glenda Gundermann, City Secretary  
Mary Ann Powell, City Attorney, and  
A Number of Visitors

### CONVENE MEETING

*Mayor James Thompson* convened the session, open to the public, to order at 5:31 o'clock P.M.

### INVOCATION

*Council Member Smithers* delivered the invocation.

## PLEDGE OF ALLEGIANCE

*Council Member Smithers* led the pledge of allegiance to the Flag of the United States of America.

## RECOGNITIONS

### SUGAR LAND 101 CLASS OF 2013

*Mayor Thompson* recognized the 10<sup>th</sup> class of the Sugar Land 101 - Class of 2013, which recently celebrated the graduation of the 24 participants in the program. SL-101 began in 2004 as a means to familiarize citizens with the structure, function, and purpose of Sugar Land City government, and to equip and encourage them to assume a leadership role within the community. The class curriculum includes three themes; the City as a Government Entity, the City as a Leader in Community Development, and the City as a Service Provider, both internal and external. The class began meeting in January 2013 and completed the 10-week program on April 4; included in the program were two tours focusing on development and services and a mock City Council meeting. The City has an alumni class of 236 SL-101 graduates who are ambassadors to the community.

*Mayor Thompson* introduced *Melissa Hoffman, Community Outreach Manager*, who has been in charge of the program since its inception; and *Johnny Zamora, Sugar Land 101 – Class of 2013*, who was nominated by fellow class members to serve as the SL-101 spokesperson.

## SERVE SUGAR LAND VOLUNTEERS

*Mayor Thompson* recognized “Serve Sugar Land” which began in 2007 as a means for the citizens of Sugar Land and surrounding neighborhoods to become involved in City government through volunteerism. In 2012, over 665 volunteers contributed over 23,000 hours of service to the City equaling over \$500,000 of in-kind service donations. The volunteers assisted throughout the City; at the Police and Fire Departments, Animal Shelter, Senior Center, Municipal Court, and in City Hall Departments.

The City is hosting a Volunteer Appreciation event on May 31<sup>st</sup> and June 16<sup>th</sup> with an evening at Constellation Field for a Skeeters Ballgame to recognize and thank volunteers that have participated in the program. Special recognition went to (5) individuals who were nominated by the City Department in which each volunteered as the Department Volunteer of the Year. With the help of volunteers, the City is able to further expand services that it offers to the citizens.

From the (5) nominees, the City Executive Team selected Ms. Pat Grounds, who volunteers at the City Parks/Senior Center, as the overall 2012 City of Sugar Land Volunteer of the Year.

## PUBLIC COMMENT

*Mayor Thompson* introduced Public Comment and entertained registered speakers. There were no public comments.

## REVIEW OF CONSENT AGENDA

*Mayor Thompson* introduced Review of the Consent Agenda and entertained questions and/or comments.

## CONSENT AGENDA

*Mayor Thompson* introduced III.A) **CITY OF SUGAR LAND RESOLUTION NO. 13-13**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, UPDATING THE CITY COUNCIL MID-TERM PRIORITIES AND STRATEGIES FOR THE CITY OF SUGAR LAND; III.B) **CITY OF SUGAR LAND RESOLUTION NO. 13-15**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, NAMING THE TEXAS DEPARTMENT OF TRANSPORTATION AS ITS AGENT FOR THE PURPOSES OF APPLYING FOR, RECEIVING, AND DISBURSING FUNDS FOR THE DEVELOPMENT OF AN FAA-REQUIRED WILDLIFE HAZARD ASSESSMENT AT THE SUGAR LAND REGIONAL AIRPORT; AND ALLOCATING \$8,500.00 FOR THE CITY'S SHARE OF THE COST OF PURCHASE; III.C) **CITY OF SUGAR LAND RESOLUTION NO. 13-16**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AUTHORIZING THE OPENING OF SECURITIES ACCOUNTS WITH FROST BANK, AND THE CONTINUANCE OF SECURITIES ACCOUNTS WITH DUNCAN WILLIAMS, INCORPORATED, FIRST SOUTHWEST COMPANY, GREAT PACIFIC SECURITIES, APEX SECURITIES, INCORPORATED, AND COASTAL SECURITIES; AND THE CONTINUANCE OF AN ACCOUNT WITH WELLS FARGO BROKERAGE SERVICES FOR BROKERED CERTIFICATES OF DEPOSIT; III.D) **CITY OF SUGAR LAND RESOLUTION NO. 13-17**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING RESPONSIBILITIES, GUIDELINES, CODE OF CONDUCT, AND PROTOCOLS FOR THE MAYOR, CITY COUNCIL, AND CITY MANAGER; AND ADOPTING RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS; III.E) **CITY OF SUGAR LAND RESOLUTION NO. 13-18**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A CITY COUNCIL POLICY THAT ESTABLISHES PROCEDURES FOR HOSTING DISTRICT TOWN HALL MEETINGS; III.F) Bid evaluation and authorizing execution of a Contract in the maximum amount of \$238,175.00 with Cedros Paving Services, LLC, for on-call drainage and pavement rehabilitation, CIP DR1301; III.G) Approval of an Amendment to Letter of Intent by and between the City of Sugar Land, Sugar Land Development Corporation, ACE Theatrical Group, LLC, and ACE SL, LLC, for development of a concert and performing arts venue; III.H) approval of the minutes of the regular meeting of April 02, 2013.

Following a full and complete discussion, *Council Member Smithers*, seconded by *Council Member Gandhi*, made a motion to approve the Consent Agenda. The motion carried unanimously.

## SUGAR LAND HERITAGE FOUNDATION

*Mayor Thompson* introduced receipt of Sugar Land Heritage Foundation 2012 Annual Report and 2013 planned activities; and consideration of and action on approval of Sugar Land Heritage Foundation 2013 Budget.

*Ms. Regina Morales, Director of Economic Development*, stated the City of Sugar Land has a long and successful track record of creating public/private partnerships. The Sugar Land Heritage Foundation (SLHF) was created after the closing of the Imperial Sugar refinery in 2003.

<b>SUGAR LAND HERITAGE FOUNDATION (CONTINUED)</b>
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Background Information:

- The City of Sugar Land, Imperial Sugar, and Cherokee Investments formed a partnership to ensure that the artifacts and history of the site were preserved and a community-based heritage museum would be established to collect, preserve, and exhibit the items.
- The Sugar Land Heritage Foundation was incorporated in March 2008; an Executive Director was hired in December 2009.
- The Foundation is funded through the generous support of the City of Sugar Land, Johnson Development, Cherokee Investments, the Houston Endowment Foundation, Kempner Fund, and members of the local community.

***Mr. Dennis Parmer, Executive Director, Sugar Land Heritage Foundation,*** presented the 2012 achievements and objectives of the Foundation, the 2013 Work Plan, and the 2013 Budget which requires City approval.

***Mr. Parmer*** stated the Mission of the SLHF is to inspire community pride by collecting, preserving, communicating, and celebrating the history of Sugar Land, Texas.

2012 Achievements include:

- The raising of \$11,154 in individual donations and corporate sponsorships as well as numerous in-kind donations
- The raising of \$4,659 in net income from book and gift sales
- The raising of over \$67,000 as the SLHF share in the partnership with the Skeeters for the April 2012 Gala held at Constellation field
- SLHF contributed to the success of 2012 Sugar Land Wine and Food Sip & Stroll by decorating the Char House and 3 Bay Warehouses with reproductions of old photos of Sugar Land; over 3,000 attended the event
- Held 12 historic district walking tours of old Sugar Land
- Placed a permanent version of the traveling exhibit in Sugar Land City Hall
- Updated the historical exhibit gallery in the SLHF office building
- Opened the exhibit gallery every Saturday in conjunction with the Farmers Market
- Continued the distribution of email newsletters to keep the community abreast of Foundation projects, events, and volunteer opportunities
- Cataloged 18,000+ items into the collection; took another 1,400+ items and accessed them to the next level in the accessioning process

<b>SUGAR LAND HERITAGE FOUNDATION (CONTINUED)</b>
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2013 Work Plan:

- Continue Accessioning of Artifacts as a part of H.E. Grant
- Engaged Jack Rouse & Associates for Design / Build Museum
- Hired New Executive Director
- Quarterly Volunteer Days
- Implement Public Relations Campaign
- Host Quarterly Chautauqua Talks
- Volunteer Appreciation Event / Volunteer of the Quarter
- SLHF Night at Constellation Field
  - Host Fall Fundraising Event (Refinery Lock-In / Historic Homes Tour)
  - Capital Campaign for Permanent Museum - Launch in 2014

2013 Budget:

<b>Revenues</b>	
2013 City of Sugar Land Funding	\$75,000
Kempner Foundation	\$30,000
Donations/Sponsorships	\$25,000
Heritage Night at Constellation Field	\$3,000
Lockdown at Imperial	\$25,000
Gift shop net profit	\$16,100
<b>Total Projected 2013 Revenues</b>	<b>\$174,100</b>
<b>Expenses</b>	
Annual Operations	\$144,565
Fundraising	\$5,000
Exhibits	\$5,000
Educational Programs	\$5,000
<b>Total 2013 Expenses</b>	<b>\$159,565</b>
<b>2013 SLHF Fund Balance</b>	<b>\$14,535</b>
Operating Reserve	(\$100,000)
*Capital Campaign Reserve from Gala	(\$67,500)

Status of Planning for Permanent Museum Facility:

- Initial kick-off meetings with Jack Rouse & Associates
  - Story line
  - Concepts for type of museum
  - Assess existing facilities on Refinery Site
- Next steps through May 31<sup>st</sup>
  - Finalize story line and concept
  - Develop schematics for museum
  - Cost estimates based on plan

**SUGAR LAND HERITAGE FOUNDATION (CONTINUED)**

**Mr. Shay Shafie, President, Sugar Land Heritage Foundation**, recognized the SLHF Board of Directors' Executive Committee: Regina Morales, Vice President and Treasurer; Dennis Parmer, Executive Director; Bettye Anhaier, Secretary; and John Whitmore, Assistant Secretary. Board Members include: Bob Brown, Roy Cordes, Sharon Ehrenkranz, Carl Favre, Bruce Kelly, Rev. Martin Nicholas, Steve Porter (effective 5/21/13), Bill Schwer, and Don Smithers.

City Council discussion ensued regarding:

- How the SLHF is lining up with the original 5-Year Strategic Plan and if there will be implementation of a second 5-Year Plan. **Mr. Parmer** stated the Foundation is on track with the original Plan and there will be another update of the 5-Year Plan, but many things are factored in, such as the overall redevelopment of the Imperial area. Within the next 12-24 months, there will be more development and the Foundation will be in line probably in the 2015 timeframe.
- How the public can donate personal old artifacts of the community. **Mr. Parmer** stated within the first four years, a policy on how to take in donations was determined and currently the Board policy is for the public to donate, not loan, an artifact and the SLHF maintains paperwork to put into the computer system for future tracking or accession of the artifacts. Volunteers are needed as well as any kind of monetary or in-kind service.

Following a full and complete discussion, **Council Member Smithers**, seconded by **Council Member Jajoo**, made a motion to approve receipt of Sugar Land Heritage Foundation 2012 Annual Report and 2013 planned activities; and consideration of and action on approval of Sugar Land Heritage Foundation 2013 Budget. The motion carried unanimously.

**PUBLIC HEARING**

**PERMANENT ZONING FOR 7.4 ACRES**

**Mayor Thompson** convened the Public Hearing to receive and hear all persons desiring to be heard on permanent zoning for 7.4 acres Sugar Creek Center Planned Development (PD) Expired District to Business Office (B-O) District.

**Mr. Douglas Schomburg, Director of Planning and Environmental Services**, stated this item is intended to restore basic zoning rights to a property in the City of Sugar Land and is located at the Sugar Creek Center Boulevard and U. S. 59 frontage. The original Planned Development District, which was established in 2002, did expire in 2004. There have been subsequent requests in 2005, 2006, and 2010 for a mixed use, multi-family, and commercial development at the site. The Planning and Zoning Commission has never recommended the mixed use PD requests.

Discussions were held with the City Manager in 2013 regarding restoring basic zoning rights; Planning met with the property owner who is still interested in a mixed-use PD for the property and has the right to submit a PD in the future. Planning believes it is appropriate to move forward to remove the expired zoning.

**PUBLIC HEARING (CONTINUED)**

**PERMANENT ZONING FOR 7.4 ACRES (CONTINUED)**

Staff presented an aerial showing the land uses. The area is surrounded by existing office development.

The Future Land Use Plan Map was re-adopted in 2012 and calls for office uses at the site, which is consistent with surrounding property.

Standard notifications were done for the Public Hearing; property owners within 200 feet were notified and staff met with the existing property owner. There was one inquiry from a neighboring business expressing support for the office use and concerns about a future multi-family component.

The Planning and Zoning Commission held a public hearing on March 12, and no members of the public spoke. The Commission unanimously recommended approval of Business Office zoning for the property; this restores basic zoning rights and does not prevent owner from pursuing future re-zonings.

*Mayor Thompson* entertained comments from the public; hearing none, the Public Hearing was closed.

**ORDINANCE NO. 1901 – CHANGE OF ZONING FOR 7.4 ACRES**

*Mayor Thompson* introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1901**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM SUGAR CREEK CENTER PLANNED DEVELOPMENT (PD) EXPIRED DISTRICT TO BUSINESS OFFICE (B-O) DISTRICT FOR APPROXIMATELY 7.4 ACRES OF LAND AT THE SOUTHWEST INTERSECTION OF SUGAR CREEK BOULEVARD AND U.S. HIGHWAY 59.

*Mr. Douglas Schomburg, Director of Planning and Environmental Services*, stated there were no further comments.

Following a full and complete discussion, *Council Member Gandhi*, seconded by *Council Member Yeung*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1901**, AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM SUGAR CREEK CENTER PLANNED DEVELOPMENT (PD) EXPIRED DISTRICT TO BUSINESS OFFICE (B-O) DISTRICT FOR APPROXIMATELY 7.4 ACRES OF LAND AT THE SOUTHWEST INTERSECTION OF SUGAR CREEK BOULEVARD AND U.S. HIGHWAY 59. The motion carried unanimously.



**CONTRACTS AND AGREEMENTS**

**CHANGE ORDER NO. 10 – SURFACE WATER TREATMENT PLANT  
CONSTRUCTION MANAGER AT RISK AGREEMENT**

*Mayor Thompson* introduced consideration on authorizing execution of Change Order No. 10 in the maximum amount of \$467,022.00 with CH2M Hill for Surface Water Treatment Plant Construction Manager at Risk Agreement, CIP SW0802.

*Ms. Jessie Li, Assistant Director of Water Utilities*, provided a brief explanation on the Construction Contract structure stating City Council approved the construction contract consisting of (4) items. For the project, the CMAR (Construction Manager at Risk) was utilized to build the Surface Water Treatment Plant.

CMAR Construction Cost:

- Construction Package 1 (GMP 1)
- Construction Package 2 (GMP 2)
  - Combined price, the GMP, is \$67.9 million
- Owner's SCADA Programming Allowance included in original contract (\$620,000)
- Owner's FFE (furniture, fixtures, equipment) Allowance (\$143,000)
- Total Construction Contract Cost - \$69.7 million

CMAR Change Order No. 10:

1. Additional structural backfill under encased pipe
2. Added encased conduit corridors
3. Add electrical services for overhead doors (Items 1, 2 and 3 costs: \$341,550)
4. FFE purchase using allowances included in the original contract (Item 4 cost: \$125,472)
  - Total Change Order No.10: \$467,022
  - Discussed with Finance Committee who recommended approval; staff stated project is 85% complete with \$1.2 million remaining in the initial project contingency of \$2 million

CMAR Construction Revised Cost:

	<u>GMP</u>	<u>Total Contract Amount</u>
Original Contract	\$67,933,556	\$68,696,556
Current Contract (w/all previous Change Orders)	\$69,049,526	\$69,171,383
Revised Contract (w/Change Order #10)	\$69,516,548	\$69,638,405
% of Original	2.33%	1.37%

Staff stated that considering the industry typical change order rate for this size and complexity of a project is around 5%, this means City is on the low-end.

Following a full and complete discussion, *Council Member Gandhi*, seconded by *Council Member Smithers*, made a motion to approve Change Order No. 10 in the maximum amount of \$467,022.00 with CH2M Hill for Surface Water Treatment Plant Construction Manager at Risk Agreement, CIP SW0802. The motion carried unanimously.

<b>CONTRACTS AND AGREEMENTS (CONTINUED)</b>
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<b>SURFACE WATER TREATMENT CAPACITY RATING, MEMBRANE ACCEPTANCE, AND DISINFECTION CT STUDY</b>
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**Mayor Thompson** introduced consideration on authorizing execution of a Contract in the maximum amount of \$230,000.00 with ARCADIS, U.S., Incorporated, for Surface Water Treatment Capacity Rating, Membrane Acceptance, and Disinfection CT Study, CIP SW1302 and SW1306.

**Ms. Jessie Li, Assistant Director of Water Utilities**, stated the Surface Water Treatment Plant construction is close to completion and planning for the operation phase will begin soon. A planned start-up workshop is scheduled for Thursday, April 18, and CMAR will perform wet testing and functional testing in June. Plant commissioning will start in July.

Staff has (2) planned CIPs for the Operation Phase (SW1302 and SW1306); both are required by the TCEQ (Texas Commission on Environmental Quality) and basically is done for the full scale proof-up, ensuring that what is built is meeting the TCEQ state design standards:

1. Membrane acceptance testing
2. CT Study
3. Plant capacity re-rating

Engineer Selection:

- Staff recommended ARCADIS (previously Malcolm Pirnie) for the project, who is part of the design team
  - Conducted the SWTP membrane pilot study
  - Designed the membrane system
  - Conducted CT study and plant re-rating for others in the area
  - Have a good track-record for obtaining TCEQ approval on variances

Scope of Work:

- Membrane acceptance testing, including a 30-day Stage I testing and a 15-day Stage II testing at the designed capacity and up to 1 to 2 MGD more than 9 MGD
- Disinfection CT study, including CT analysis on the design capacity and 1 to 2 MGD more than 9 MGD
- Plant capacity hydraulic assessment at higher than 9 MGD
- Develop operational procedures to reach a higher than design capacity
- Meeting with TCEQ and obtain TCEQ required approvals

**CONTRACTS AND AGREEMENTS (CONTINUED)**

**SURFACE WATER TREATMENT CAPACITY RATING, MEMBRANE ACCEPTANCE,  
AND DISINFECTION CT STUDY (CONTINUED)**

City Council discussion ensued regarding:

- Reason for re-rating the plant in the future to possibly 10-11 million gallons/day; Staff stated if the plant can produce more than 9 million gallons of water per day, to at least 10 million, more water can be produced during summertime to meet the peak demand. In the wintertime when demand has dropped, only 8 MGD per day will be needed, which will help operation. Producing more than 9 MGD in the summertime balances out.
- Potential date for commissioning the plant; Staff stated start-up will be in mid-July; once the water meets TCEQ drinking water standards, water can be pumped from the Surface Water Plant to the Ground Water plant for the distribution. Staff is preparing for public notification of the conversion.
- Substantial completion date is in September; Staff stated that between July and September, after the disinfection testing and ensuring there are no bacteria in the water and all of the drinking water standards are met, water can be produced into distribution. The substantial completion is when the contractor “turns the key or ownership over to the city”.
- After July and before it is known to be potable water, what is done with the water that is produced; Staff stated re-circulation will be done inside the plant and recycled back to the raw water storage ponds (the forebay), and the same water is used over and over.

Following a full and complete discussion, ***Council Member Jajoo***, seconded by ***Council Member Smithers***, made a motion to approve a Contract in the maximum amount of \$230,000.00 with ARCADIS, U.S., Incorporated, for Surface Water Treatment Capacity Rating, Membrane Acceptance, and Disinfection CT Study, CIP SW1302 and SW1306. The motion carried unanimously.

**WORKSHOP**

**PROPOSED CHANGES TO CITY ORDINANCE ARTICLE VIII – WATER AND WASTEWATER**

***Mayor Thompson*** introduced discussion on proposed changes to City Ordinance Article VIII, Water and Wastewater, for industrial waste charges and permit fees.

***Ms. Christine Cooper, Water Quality Manager***, presented the current Industrial Pretreatment Program Surcharge Authority, Utilities Rates and Fees, Recommended Changes, and Customer Impact.

Industrial Pretreatment Program:

- The City wastewater plants are regulated by the State to protect the environment, primarily the receiving waters
- To assure the wastewater plants can treat sewage, some industrial customers need to be controlled by City permit; the industrial user permits have pollutant limits

**WORKSHOP (CONTINUED)**

**PROPOSED CHANGES TO CITY ORDINANCE ARTICLE VIII – WATER AND WASTEWATER  
(CONTINUED)**

Permit Limits:

- Historically, permit limits have been met by industries installing “pre-treatment” to reduce pollutants prior to discharge, which prevents escalating enforcement and fines by the City
- For certain pollutants if the wastewater plant can handle it, City Ordinance allows another option

Surcharge:

- The City can surcharge for pollutant levels above the limit for wastewater with high sugars (BOD) or total suspended solids (TSS). This is only for two pollutants.

Staff believes there is an opportunity to apply the surcharge for mutual benefit. A local industry has high sugar wastewater or BOD, biochemical oxygen demand, and has come forward to the City stating the installation of pretreatment is costly due to space constraints on their lot and the technology is expensive. The industry has requested an alternative and is amenable to paying a surcharge which is allowed in the current ordinance.

Surcharge Summary:

- To determine the surcharge:
  - Calculate a cost factor per pound; the main cost for BOD and TSS removal is electrical costs; to arrive at the cost factor, staff uses the last two years’ worth of cost data for the North Waste Water Treatment Plant as it receives the industrial waste water.
  - Charge for pounds discharged above the ordinance limit on the water bill
    - BOD - \$0.10 per pound
    - TSS - \$0.08 per pound

Ordinance Revisions:

- Consolidate all pretreatment fees in a new section within the utility rates division
- Section 5-252, “Industrial wastewater charges and permit fees”
- Move the Annual Permit fees that are currently in the ordinance from 5-250 to 5-252(a)
- Add 5-252(b) Industrial Surcharges
- Remove Permit Fees from Division 11 Sewer Use Standards - embedded

Impact to Customers:

- Industrial customers only
- Currently (3) potential customers

Next step includes bringing forward the Ordinance First Reading to City Council on May 7.

**Mayor Thompson** asked if the other two potential customers have been notified. Staff stated at this time one customer is not utilizing the operation that could be potentially permitted, and the other customer has been notified. Costs have not yet been discussed, but staff feels that it will not be a large cost as the discharge volume is incredibly small.

**WORKSHOP (CONTINUED)**

**PROPOSED CHANGES TO CITY ORDINANCE ARTICLE VIII – WATER AND WASTEWATER  
(CONTINUED)**

City Council discussion ensued regarding how other cities' fees compare.

Staff provided the following:

<u>CITY</u>	<u>BOD</u>	<u>TSS</u>
Houston	\$0.70 per pound	\$0.28 per pound
San Antonio	\$1.62 per pound	\$1.50 per pound
Lubbock, TX	\$0.21 per pound	\$0.20 per pound

**CITY COUNCIL CITY MANAGER REPORTS**

**CITY COUNCIL REPORTS**

*Mayor Thompson* introduced Community Events Attended or Scheduled.

*Council Member Smithers* reported attending the H-GAC Board meeting on April 16.

*Council Member Gandhi* reported on April 11, he attended the Houston Business Journal Landmark Awards which recognized outstanding Houston Area real estate projects, and Constellation Field won for Humanity Impact and Hospitality and Entertainment; the City was nominated for two other awards, Public Assembly and Public/Private Partnership; and Ruggles Green Restaurant for Best Retail Project.

*Council Member Yeung* reported attending the Riverpark Annual HOA meeting; Saturday, April 20, will be a ribbon cutting for the Riverpark Splash Pad; attended Finance Committee meeting and continue to work on the utility contract planning to take over Southwest Water Services, and proposed budget adjustments will be brought forward on May 7; and attended the Land Use Up-Date meeting.

*Council Member Jajoo* reported attending the Land Use Task Force meeting and the final Public Meeting for the Ped/Bike Master Plan on Monday, April 15.

**CITY MANAGER REPORT**

*City Manager Bogard* reported that the Skeeters Baseball Team will have opening day festivities on Thursday, April 18, and will face the Long Island Ducks at 7:05 p.m. at Constellation Field; the Sugar Land Earth Day Celebration will commence on Saturday, April 20, from 10:00 a.m. until 6:00 p.m. at Mercer Stadium; the Riverpark Splash Pad ribbon-cutting will have the Opening on Saturday, April 20, at 12:00 noon. Ms. Karen Glynn has turned in her resignation with the City and will take a position with another area city; Ms. Glynn's farewell party will be held at City Hall, Cane Room, at 3:30 p.m. on Friday, April 26.

**RECESS MEETING**

*Mayor Thompson* recessed the Regular Meeting to go into Closed Executive Session, time 6:39 o'clock P.M.

**CLOSED EXECUTIVE SESSION**

*Mayor Thompson* introduced **Closed Executive Session as authorized by Chapter 551, Texas Government Code, in accordance with:**

**Personnel Matters:** Section 551:074

a) For the purpose of discussion with respect to City Manager quarterly performance. *Mr. Allen Bogard, City Manager.*

**ADJOURN CLOSED EXECUTIVE SESSION**

*Mayor Thompson* adjourned the Closed Executive Session, time 6:40 o'clock P.M.

**RECONVENE MEETING**

*Mayor Thompson* reconvened the Regular Meeting, time 7:30 o'clock P.M.

**ADJOURN**

There, being no further business to come before Council, *Council Member Smithers*, seconded by *Council Member Jajoo*, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 7:31 o'clock P.M.

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Glenda Gundermann, City Secretary

(SEAL)